

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CERTAIN REAL PROPERTY
COMMONLY KNOWN AS 4512
SOUTH DREXEL BOULEVARD,
CHICAGO, ILLINOIS,

Defendant,

and

FRANCIS BURNS and WORLD
BURNS INC.,

Claimants.

Case No. 18-CV-1290-JPS

ORDER

This action for civil forfeiture *in rem* was filed on August 21, 2018. (Docket #1). The government seeks forfeiture of the defendant property, which is titled to the claimant World Burns, Inc. (the “Company”), because it is traceable to the proceeds of wire fraud. *Id.* at 2. Francis Burns (“Burns”), identified as a claimant on the Court’s docket sheet, has filed a number of largely unintelligible documents in an apparent attempt to assert a claim to the property, either on his own behalf or that of the Company. *See* (Docket #9, #11, #12, #19).

This matter was originally assigned to Magistrate Judge William E. Duffin. While it was pending before Magistrate Duffin, the government

filed a motion to strike some of the putative notices of claim filed by Burns. (Docket #13). Magistrate Duffin granted the motion on November 29, 2018. (Docket #17). The case was reassigned to this branch of the Court on January 3, 2019. Prior to the reassignment, the government filed a second motion to strike another of Burns' filings. (Docket #18). There, the government sought to strike a document docketed as a "notice of claim," even though it does not qualify as such a notice. *See id.*, (Docket #9). On February 5, 2019, the Court granted the second motion to strike, and *sua sponte* struck some of Burns' other incoherent and frivolous filings. (Docket #20).

On February 8, 2019, the government filed a motion for default judgment. (Docket #22). The motion explains that the government complied with the notice requirements applicable to this action, and that only the Company and Burns have responded to those notices. However, with all of the putative claimants' filings having been stricken, no valid claims have been advanced, and the time in which to file a claim has expired. Further, the time in which to respond to the government's motion has also elapsed. Civ. L. R. 7(b). The Court will, therefore, grant the government's motion and enter default judgment in its favor. Fed. R. Civ. P. 55(b).

Burns has made a number of submissions since the filing of the motion for default judgment, but they do not change this result. On February 8, 2019, Burns filed a set of documents which appear very similar to those which struck by the Court on February 5. (Docket #24). The government has moved to strike this set of documents, and Burns has not responded to that motion. (Docket #25). The Court will, for the same reasons stated in its February 5 order, grant the government's motion and strike Burns' February 8 filings.

On February 20, 2019, Burns filed two additional motions. The first asks that the Court dismiss this case for, as best the Court can tell, a lack of jurisdiction, but Burns makes no coherent argument as to why jurisdiction is lacking. (Docket #26). Burns' second motion asks for discovery pursuant to various rules of Wisconsin criminal procedure. (Docket #27). But this is not a criminal case, and in any event, this is a federal court. Both of Burns' February 20 motions will, therefore, be denied.¹

Accordingly,

IT IS ORDERED that Plaintiff's motion to strike (Docket #25) be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that the documents filed on February 8, 2019 (Docket #24) by Claimant Francis Burns be and the same are hereby **STRICKEN**;

IT IS FURTHER ORDERED that the motions to dismiss (Docket #26) and to compel discovery (Docket #27) by Claimant Francis Burns be and the same are hereby **DENIED**;

IT IS FURTHER ORDERED that Plaintiff's motion for default judgment (Docket #22) be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that the defendant property, Certain Real Property commonly known as 4512 South Drexel Boulevard, Chicago, Illinois, be and hereby is forfeited to the United States of America and that

¹As part of its motion for default judgment, the government asks the Court to decline to further extend the claim filing deadline in this matter. The Court agrees that this is appropriate. It is clear that Burns and the Company have no intention of filing coherent documents or meaningfully engaging in this case. They need not be afforded any additional time to make what will certainly be further frivolous submissions.

no right, title or interest in the defendant property shall exist in any other party;

IT IS FURTHER ORDERED that the Internal Revenue Service or its duly authorized agent shall dispose of the defendant property according to law;

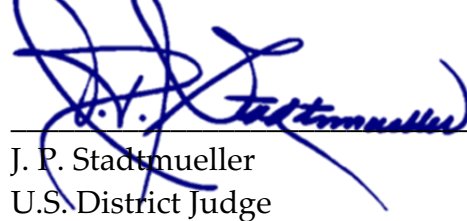
IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this cause for the purpose of enforcing the Judgment of Default and Forfeiture; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 6th day of March 2019.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge